

(10)  
10/21/01  
48m

see also

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                    |   |                           |
|--------------------|---|---------------------------|
| CLARENCE WARREN,   | : | CIVIL NO. 1:00-CV-1384    |
|                    | : |                           |
| Plaintiff          | : | (Judge Rambo)             |
|                    | : |                           |
| v.                 | : | (Magistrate Judge Smyser) |
|                    | : |                           |
| WILLIAM WARD,      | : |                           |
| GARY R. LUCHT,     | : |                           |
| BARBARA DESCHER,   | : |                           |
| RICHARD KIPP,      | : |                           |
| BENJAMIN MARTINEZ, | : |                           |
| NICHOLAS MULLER,   | : |                           |
| SEAN R. RYAN and   | : |                           |
| MICHAEL WEBSTER,   | : |                           |
|                    | : |                           |
| Defendants         | : |                           |

FILED  
HARRISBURG, PA

OCT 19 2001

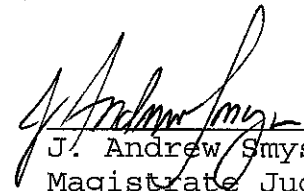
MARY E. D'ANDREA, CLERK  
PER.                       
DEPUTY CLERKREPORT AND RECOMMENDATION

The plaintiff, a prisoner proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint on August 7, 2000. On November 1, 2000, the defendants filed a answer to the complaint.

A case management order was filed on February 6, 2001. The Case Management Order provided that any dispositive motion shall be filed on or before October 8, 2001.

No dispositive motion has been filed and the time for filing a dispositive motion has passed. There are no other motions pending in this case.

Based on the foregoing, it is recommended that the case be listed for trial.

  
J. Andrew Smyser  
Magistrate Judge

Dated: October 19, 2001.

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                    |   |                           |
|--------------------|---|---------------------------|
| CLARENCE WARREN,   | : | CIVIL NO. 1:00-CV-1384    |
|                    | : |                           |
| Plaintiff          | : | (Judge Rambo)             |
|                    | : |                           |
| v.                 | : | (Magistrate Judge Smyser) |
|                    | : |                           |
| WILLIAM WARD,      | : |                           |
| GARY R. LUCHT,     | : |                           |
| BARBARA DESCHER,   | : |                           |
| RICHARD KIPP,      | : |                           |
| BENJAMIN MARTINEZ, | : |                           |
| NICHOLAS MULLER,   | : |                           |
| SEAN R. RYAN and   | : |                           |
| MICHAEL WEBSTER,   | : |                           |
|                    | : |                           |
| Defendants         | : |                           |

**FILED**  
HARRISBURG, PA

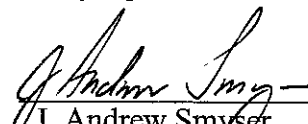
OCT 19 2001

MARY E. D'ANDREA, CLERK  
PER                      DEPUTY CLERK

**NOTICE**

Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3 of the Rules of Court, M.D.Pa., which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. §636(b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition **within ten (10) days** after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

  
J. Andrew Smyser  
Magistrate Judge

Dated: *October 19, 2001.*

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

October 19, 2001

Re: 1:00-cv-01384 Warren v. Ward

True and correct copies of the attached were mailed by the clerk  
to the following:

Clarence Warren  
SCI-R  
SCI at Rockview  
AY-9619  
P.O. Box A  
Bellefonte, PA 16823


Gwendolyn T. Mosley, Esq.  
Office of the Attorney General  
Strawberry Sq.  
15th Floor  
Harrisburg, PA 17120 Fax No.: 717-772-4526

cc:

|                         |     |  |                     |
|-------------------------|-----|--|---------------------|
| Judge                   | ( ) | ( )  | Pro Se Law Clerk    |
| Magistrate Judge        | ( ) | ( )  | INS                 |
| U.S. Marshal            | ( ) | ( )  | Jury Clerk          |
| Probation               | ( ) |  |                     |
| U.S. Attorney           | ( ) |  |                     |
| Atty. for Deft.         | ( ) |  |                     |
| Defendant               | ( ) |  |                     |
| Warden                  | ( ) |  |                     |
| Bureau of Prisons       | ( ) |  |                     |
| Ct Reporter             | ( ) |  |                     |
| Ctroom Deputy           | ( ) |  |                     |
| Orig-Security           | ( ) |  |                     |
| Federal Public Defender | ( ) |  |                     |
| Summons Issued          | ( ) | with N/C attached to complt. and served by:    |                     |
|                         |     | U.S. Marshal ( )                               | Pltf's Attorney ( ) |
| Standard Order 93-5     | ( ) |  |                     |
| Order to Show Cause     | ( ) | with Petition attached & mailed certified mail |                     |
|                         |     | to: US Atty Gen ( )                            | PA Atty Gen ( )     |
|                         |     | DA of County ( )                               | Respondents ( )     |
| Bankruptcy Court        | ( ) |  |                     |
| Other <u>Exhibits</u>   | ( ) |  |                     |

MARY E. D'ANDREA, Clerk

DATE: 10-19-01

BY:   
Deputy Clerk